

SENATE CHAMBER,  
AUSTIN, TEXAS, Monday, July 18, 1870.

Senate met pursuant to adjournment; President Don Campbell presiding. Roll called; quorum present.

Absent, excused--Senator Pickett.

Prayer by the Chaplain. Journal of Saturday read and approved.

PETITIONS AND MEMORIALS.

By Senator Priest: Petition of the citizens of Freestone.  
Read and referred to Committee on Judiciary.

REPORTS OF STANDING COMMITTEES.

Report of Committee on Enrollment:

COMMITTEE ROOM,  
Austin, July 16, 1870.

Hon. DON CAMPBELL,

President of the Senate:

Your Committee on Enrollment have examined and find correctly enrolled Senate Bill No. 94 entitled "An Act to expedite the construction of the Southern Pacific Railroad," and to-day at three o'clock and thirty minutes presented the same to the Governor for his approval.

B. J. PRIDGEN,  
Chairman.

BILLS AND RESOLUTIONS.

By Senator Baker: Joint Resolution:

*Be it resolved by the Legislature of the State of Texas, That on Monday, the 1st day of August 1870, this Legislature will take a recess from and after that date until Thursday, the 1st day of December 1870, when it will again reassemble; provided, that no per diem pay shall be allowed members during such recess.*

Senator Baker moved suspension of rules to consider the resolution; rules suspended.

Senator Bowers offered the following amendment:

Strike out all after the word "will" in third line, and insert the words "adjourn *sine die*."

Senator Flanagan moved the adoption of the amendment.

Yeas and nays taken :

Yeas—Bell, Bowers, Clark, Cole, Dohoney, Evans, Flanagan, Pyle, Rawson, Shannon—10.

Nays—Mr. President, Baker, Broughton, Douglas, Ford, Fountain, Gaines, Hall, Hertzberg, Latimer, Mills, Parsons, Pettit, Priest, Pridgen, Ruby, Saylor—17.

Absent—Senator Pickett, sick.

Amendment lost.

Senator Latimer offered the following amendment :

Strike out " first Thursday in December," and insert " first Monday in November."

Senator Parsons moved the consideration of the resolution be made the special order for to-morrow, at 12 M.

Yeas and nays taken :

Yeas—Mr. President, Bell, Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Gaines, Hall, Parsons, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon—20.

Nays—Baker, Fountain, Hertzberg, Latimer, Mills, Pettit, Priest—7.

Absent—Senator Pickett, sick.

Carried.

By Senator Broughton : A bill to be entitled " An Act to incorporate the North Texas Manufacturing Company."

Read first time and referred to Committee on Internal Improvements.

By Senator Baker : A bill to be entitled " An Act to incorporate Troupe Seminary."

Read first time and referred to Committee on Education.

By Senator Ruby : " An Act to provide for the sale of the Houston Tap and Brazoria Railway Company."

Read first time and referred to Committee on Internal Improvements.

By Senator Douglas : A bill to be entitled " An Act to prohibit the sale of intoxicating liquors in the vicinity of Troupe Seminary."

Read first time and referred to Committee on Education.

Also, a bill to be entitled " An Act to prevent the injurious effects of cotton seed upon swine."

Read first time and referred to Committee on Judiciary.

By Senator Fountain : " An Act to incorporate the Rio Grande Railroad Company."

Read first time and referred to Committee on Internal Improvements.

By Senator Priest : " An Act to amend the criminal code in regard to the crime of murder."

Read first time and referred to Committee on Judiciary.

Also, "An Act to amend the code of criminal procedure in relation to juries and challengers."

Read first time and referred to Committee on Judiciary.

By Senator Gaines: "An Act to incorporate the town of Independence."

Read first time and referred to Committee on Judiciary.

Message from the House informing the Senate the House had passed House bill No. 322, "An Act to incorporate the Red River county, Texas, Agricultural and Mechanical Association,"

House joint resolution No. 17, to change the name of the several counties therein named,

House bill No. 355, "An Act to incorporate the West Fork Male and Female College,"

House bill No. 371, "An Act to authorize John G. Blankenship to erect a toll bridge over Tehuacana Creek in the county of McLennan, Texas,"

House bill No. 186, "An Act to incorporate the East Fork Plank Road Company,"

House bill No. 315, "An Act to incorporate the town of Round Top, county of Fayette."

Senator Priest moved a reconsideration of the vote taken on Saturday on House bill 139, "An Act authorizing the construction of a ship channel from Bolivar Point to the city of Houston."

Motion to reconsider carried, and on motion of Senator Bowers the bill was referred to Committee on Judiciary, with special instructions to report to-morrow.

[General File.]

Senate bill No. 65, a bill to be entitled "An Act to incorporate the Austin City Ice Company."

Report of committee read and adopted.

Bill read second time and passed to engrossment.

On motion of Senator Cole the rules were suspended and the bill read third time.

Yeas and nays taken.

Yeas—Mr. President, Baker, Bell, Bowers, Broughton, Clark, Cole, Doboney, Douglas, Evans, Flanagan, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Priest, Bridgen, Rawson, Ruby, Shannon, Saylor—25.

Nays—Latimer.

Absent—Pyle and Pickett.

Pickett sick and excused.

Bill passed.

Senator Hall moved suspension of rules to take up House bill No.

254, "An Act to incorporate the Southern Trans-continental Railway Company."

Yeas and nays taken :

Yeas—Mr. President, Baker, Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Flanagan, Ford, Fountain, Guines, Hall, Hertzberg, Latimer, Parsons, Priest, Pridgen, Rawson, Ruby, Saylor, Shannon--22.

Nays—Bell, Evans, Mills, Pettit--4.

Absent—Pyle.

Sick--Pickett.

Rules suspended and bill read first time; and on motion of Senator Dohoney the rules were suspended and bill read second time.

Senator Fountain offered the following amendment :

Amend section one, line ten, by striking out the name of "A. J. Fountain." Adopted.

Senator Dohoney offered the following amendments :

Moved to strike out the names of "J. W. Johnson, B. F. Williams, F. Tegener, R. Zapp, W. G. Robinson, H. W. Young, G. T. Ruby, B. Rush Plumley, C. D. Morris, John G. Boyle, W. J. Locke and Geo. P. Buell." Adopted.

Amend section two as follows, to wit :

Insert in line four, after the word "Arkansas," the words "at or near Texarkana."

Also, insert in line five, after the words "route to," the words "or near."

Also, insert in line seven, after the words "Marion county," the words "in a northerly direction." Adopted.

Senator Douglas offered the following amendments :

Strike out in section second, line five, after the word "El Paso," the words "said railway line to approximate as near as practicable to what is known as the thirty-second parallel of north latitude."

Insert, "and the main line of said road shall follow, as nearly as may be practicable, the old survey of the Memphis and El Paso road." Adopted.

Insert in section three, tenth line, after the words "El Paso," "provided, that said junction shall not be with the Southern Pacific Railroad at a point east of the twenty-third degree of west longitude from Washington." Adopted.

Senator Dohoney offered the following amendment :

Amend section three, line seven, by striking out the balance of the sentence after the word "property," and insert the words, "and may issue in payment thereof the paid stock of the company; provided, the landholder or owner is willing to receive the same." Adopted.

Special message from the Governor by his private secretary:

EXECUTIVE DEPARTMENT,

Austin, Texas, July 18, 1870.

To the Honorable Senate of the State of Texas:

GENTLEMEN: I respectfully ask your advice and consent to the following appointments, to wit: James Masterson, for Judge of the District Court, Nineteenth District; J. J. Thornton, for Judge of the District Court for the twenty-fourth District; J. B. Williamson, for Judge of the District Court for the Sixth District.

Respectfully,

EDM'D J. DAVIS,

Governor.

The question recurring on House bill No. 254, Senator Douglas offered the following amendment:

Section eight, line ten, insert after the word "act" the following: "Provided further, that the branch road herein authorized shall not intersect with the Southern Pacific Railroad, east of the twenty-third degree of longitude west from Washington."

Adopted.

On motion of Senator Dohoney the rules were suspended, bill read third time, yeas and nays taken on final passage:

Yeas—Mr. President, Baker, Bell, Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Gaines, Hall, Hertzberg, Latimer, Mills, Parsons, Pettit, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon—26.

Nays—None.

Absent—Fountain; sick, Pickett.

Bill passed.

Senator Hall moved a reconsideration of the vote taken on Saturday on Senate bill No. 255, "An Act creating the office of State Engineer and General Superintendent of Public Works and the duties thereof."

Yeas and nays taken.

Senator Hall moved a call of the Senate. Call sustained.

Absent—Senator Pickett, sick.

On motion of Senator Hall the call of the Senate was suspended.

The question recurring upon the reconsideration vote on Senate bill No. 255, the yeas and nays were taken:

Yeas—Mr. President, Baker, Bell, Ford, Gaines, Hall, Mills, Parsons, Pettit, Priest, Rawson, Ruby, Saylor—13.

Nays—Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Flanagan, Latimer, Pridgen, Pyle, Shannon—12.

Absent—Fountain and Hertzberg.

Sick—Pickett.

Motion to reconsider carried.

On motion of Senator Parsons the Senate went into executive session :

IN THE SENATE.

On motion of Senator Fountain the secretary was instructed to inform his Excellency the Governor, that the Senate in executive session advises and consents to the appointment of—

John C. Chapman for Brigadier General of the militia.

J. B. Williamson for Judge of the Sixth Judicial District.

J. J. Thornton for Judge of the Twenty-fourth Judicial District.

John P. Osterhaut for Judge of the Thirty-fourth Judicial District.

And refuses to advise and consent to the following appointment, to wit :

Daniel D. Claiborne for Judge of the Fourteenth Judicial District.

On motion of Senator Parsons the Senate adjourned.

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